THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14595 of 2007

Dated:18.07.2007

Between:

Goli Kistaiah, S/o.Appaiah,
and others.

…Petitioners

and

The District Collector, Karimnagar District, Karimnagar,
and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14595 of 2007

ORDER:

The petitioners filed W.P.No.10787 of 2006 seeking a writ of mandamus declaring the action of the Mandal Revenue Officer, Karimnagar, in not assigning land admeasuring Acs.5.32 guntas in Survey No.102 situated at Rekurthi Village of Karimnagar District, as illegal and arbitrary, and they also alleged that they are poor persons. This Court disposed of the said Writ Petition on 28.09.2006 directing the Mandal Revenue Officer to consider their representation and pass appropriate orders. In obedience thereto, the Mandal Revenue Officer has issued Memo No.B/6966/2006, dated 15.07.2006, informing the petitioners that the land in Survey No.102 is classified as Sikham Poramboke land, and that as per the Circular Memo issued by the Government bearing No.6591/Assignments/I-(1)/97-11, dated 08.02.1999, there is prohibition for assigning or allotting sikham poramboke land. The petitioners allege that though patta was not granted to the petitioners, respondents are now trying to alienate an extent of Acs.2.01 guntas in Survey No.102 to the ACB Employees Cooperative Society. Therefore, they filed the instant Writ Petition seeking a direction to the respondents to grant patta to the petitioners.

With the assistance of the learned Counsel for the petitioners, this Court has perused the Memo dated 15.07.2006 issued by the Mandal Revenue Officer. The reason for rejection of the claim of the petitioners for assignment mentioned therein is unexceptionable. It is well settled that by reason of the judgment of this Court in **The Water Users**

Association, Thimmayya Gari Palle Cheruvu Tank v Govt. of A.P.[1] the land, which is earmarked as water body (sikham) cannot be assigned or allotted or alienated. Insofar as the allegation of the petitioners is concerned, the same is denied by the learned Assistant Government Pleader, who also does not dispute that sikham land cannot be alienated to any person for construction of houses. This Writ Petition is misconceived.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

18.07.2007
vs

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[1] W.P.No.20323 of 2000, dated 06.2.2002